Remarks

The present amendment is in response to the Office Action mailed in the above-referenced case on 11/16/2005. Claims 29-36 are pending in the application. The Examiner states that claims 29, 31, 33 and 35 are unclear under 35 U.S.C. 112. Claims 29, 31, 33 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Bogart et al. (U.S. 6,163,607), hereinafter Bogart. Claims 30, 32, 34 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bogart in view of Brooks et al. (U.S. 5,825,869), hereinafter Brooks. Claims 29-36 are further rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 6-7 and 11-12 respectively of U.S. Patent No. 6,584,192.

In response to the Examiner's rejections and statements, applicant amends the claims to more particularly clarify them under 112 and argues the merits of the claims over the art presented by the Examiner. Applicant also provides a terminal disclaimer in compliance with 37 CFR 1.321(c) in order to comply with the judicially created doctrine of obviousness-type double patenting.

Regarding the independent claims, the Examiner states that Bogart teaches building a resume table (service profile) of available agents, wherein the resume table is organized by skill sets that include all skills possessed by the agent (Fig 2, 210, 400 and 402 and col. 4, lines 18-38). Applicant points out that applicant's independent claims 29, 31, 33 and 35 recite; " building a resume table of available agents, wherein the resume table is organized by skill sets that include all skills possessed by the agent".

Applicant argues that Bogart actually teaches a system wherein service profiles are created for each skill the agent possesses. The service profile "grades" how the agent performs the skill. For example if a call comes in requiring an agent with skill "X" Bogart searches each service profile connected with each agent having skill "X" for the best score (Fig. 3; 400, 500). Scores are based on combined proficiency and profitability, customer and agent satisfaction scores which are determined from previous calls handled by said agent.

Bogart teaches that each agent's skills are prioritized according to his or her level of expertise in that skill, and either agents are enqueued in individual ones of agent queues 130 in their order of expertise level or are enqueued in different ones of a plurality of agent queues that correspond to a skill and each one of which corresponds to a different expertise level. Calls incoming to the call center on lines or trunks 100 are assigned by call vector 140 to different call queues 121-129 based upon the agent skill that they require for their proper handling. Agents 106-108 who are available for handling 30 calls are assigned to agent queues 131-139 based upon the skills which they possess. An agent may have multiple skills, and hence may be assigned to multiple agent queues 131-139 simultaneously. Furthermore, an agent may have different levels of skill expertise (e.g., skill levels 1-16 in one known system or merely primary (P) skills and secondary (5) skills in another known system), and hence may be assigned to different agent queues 131-139 at different expertise levels (col. 4, lines 18-38).

Applicant argues that clearly, as understood in Bogart's teaching above, queues are set up for each required skill and agents are assigned to queues if they possess the required skill. The agents in each queue may further be categorized according to the service profile which "grades" their ability to perform each skill. Bogart does not teach building a resume table of available agents, wherein the resume table is organized by skill sets that include all skills possessed by the agent, as claimed in applicant's invention.

It appears the examination in this case is following the old path of investing prior art status in inventions that accomplish a similar purpose as the invention in examination, rather than following the principle that it is the <u>actual limitations</u> of the claim that must be found in the art. The Examiner is equating applicant's method of building a resume table of available agents, wherein the resume table is organized by skill sets that include all skills possessed by the agent with Bogart's method of placing agents in queues according to a skill and then accessing a service profile which scores the agent's ability to perform said skill.

Applicant argues that Bogart fails to teach all of limitations recited in applicant's independent claims, therefore, the 102 rejection fails as a prima facie case of anticipation has not been shown. Applicant believes claims 29, 31, 33 and 35 are clearly patentable

over the art of Bogart. Claims 30, 32, 34 and 36 are patentable on their own merits, or at least as depended upon a patentable claim.

As all of the claims have been shown to be patentable over the art of record, applicant respectfully requests that the rejection be withdrawn and that the case be passed quickly to issue. If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully Submitted,
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